

# 65503

DEQ  
North Ridge  
Estates - asbestos /  
environmental /  
health issues

KLAMATH FALLS HOMEOWNERS COALITION  
3434 North Ridge Dr.  
Klamath Falls, OR 97601  
541-273-9679

February 28, 2005

The Honorable Ted Kulongoski  
160 State Capitol  
900 Court St.  
Salem, OR 97301-4047

Re: North Ridge Estates Subdivision  
U.S. EPA Region 10 – Asbestos Cleanup Site

Dear Governor Kulongoski:

We are 13 families who live in North Ridge Estates, an asbestos contaminated subdivision which has been the subject of Oregon Department of Environmental Quality and U.S. Environmental Protection Agency asbestos cleanup activities since July 2001. To date, over 100 tons of the debris has been removed from the site.

As your constituents, we have written to you before about the problems in this neighborhood. A narrative history of the problem is contained in "The Sunday Oregonian" article which is included with this letter..

Late last Thursday, the U.S. EPA issued a report from Dr. Wayne Berman about the health risks from amphibole and chrysotile asbestos in this neighborhood. Dr. Berman was hired by MBK, a partnership, and its partners, Melvin L. Stewart, Mary Lou Stewart, and Kenneth L. Tuttle, M.D. to support their contentions that there are no adverse health effects to the neighborhood's residents. The EPA considers this partnership and its partners the responsible parties in this matter. According to documents filed with the court, these responsible parties have paid Dr. Berman over \$350,000 to provide them with evidence that there is no health risk in the neighborhood.

The report is comprised of 63 pages and contains conditional and qualifying language, however the conclusions of the report are quoted here:

1. "The amphibole asbestos-related risk estimates presented are substantially higher than the risk estimated for the chrysotile asbestos...they fall into a range of potential concern. Even the one-year exposure estimates do not compare favorably to the EPA risk range...In fact, when adjusted for early exposure the one-year estimate for child's play exceeds the upper end of the EPA risk range."

USEPA SF



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2. "These results suggest that immediate attention may be needed at the North Ridge Estate site."
3. "Although bounding risks estimated for exposure to chrysotile do not suggest the existence of an imminent hazard, the bounding risk estimated for exposure to amphibole asbestos suggest otherwise."
4. "Prudence dictates that residential activities involving physical proximity to the soil (such as when children play in dirt or adults garden) should be curtailed until either the magnitude of such risks can be better characterized and shown to be lower than the bounding estimates suggest, or site mitigation is completed."
5. "Due to the unique concern suggested above for exposure to amphibole asbestos.....it is recommended that this information be shared with site residents sooner rather than later."
6. "Dr. Berman recommends that if this study is conducted within the RI/FS process, it should be done on an expedited basis. In the interim, Dr. Berman recommends that site residents minimize activities such as gardening or children playing in the dirt that result in dust generation close to the face."
7. ".....residents of North Ridge Estates and their visitors may wish to take actions to limit their actual risks by limiting unwanted exposure to asbestos."
8. "Given the available data and in particular the results of the simulation study, residents and their visitors should minimize time spent on stationary activities that create dust in immediate proximity to the mouth and nose that therefore, can be inhaled at elevated concentrations."
9. "The time spent on stationary activities where the mouth and nose may be relatively close to the source of dust such as adults bending over or getting on their knees while gardening in dry dirt and children playing in dry dirt, should be limited until the levels of risk associated with these and similar activities are fully evaluated."

The Berman report further states, "MBK estimates that it will take from 15-36 months to complete the RI/FS." This is a feasibility study which to date has not been signed. However, even when it is, families will continue to be exposed for many more years, unless they are moved from the site while the study and mitigation efforts are conducted.

As their hired expert, Berman's report is written as liberally as possible to support the partners' contention (repeated over the past 3 ½ year since re-discovery of the problem) that there is no problem at the neighborhood and that they aren't responsible for developing the property, selling the lots, and building the houses for the families and children now living there.

Given the history of this problem (the EPA cited the Stewarts and Tuttle in 1979 and ordered them to properly remove the asbestos and to deed restrict the site), full cleanup of this property is many years away.

We would ask that you intervene in this matter. Families have no business continuing to live in this neighborhood. It is not a commercial or industrial site which should be subject to the delays of the responsible parties. The report clearly shows that time is of the essence, and all of us have lived here for the past 4 years, and several of us for the past 12.

Enclosed are responses from several of us to the state and federal agencies involved since last Thursday's issuance of the report.

Because of the documented health risks, the Oregon DEQ should order the responsible parties to pay for moving all residents from the site now.

We would appreciate you contacting us about this matter – sooner, rather than later. Thank you in advance for your consideration.

Very truly yours,

KLAMATH FALLS HOMEOWNERS COALITION

(b) (6)



enclosures

Subj: (no subject)  
 Date: 2/26/2005 6:20:59 P.M. Pacific Standard Time  
 From: (b) (6)  
 To: (b) (6), smith.judy@epa.gov, walkey.cliff@deq.state.or.us, HAMMOND.Joni@deq.state.or.us, messina.frank@deq.state.or.us, goodman.alan@epamail.epa.gov, heister.dan@epa.gov, larson.karen@epamail.epa.gov, wroble.julie@epa.gov  
 CC: tlindley@perkinscoie.com, shines@perkinscoie.com, (b) (6)

To Those Concerned,

My husband, myself and our (b) (6) children; (b) (6), are residents at North Ridge Estates in Klamath Falls. We are also members of the Klamath Falls Homeowners Coalition involved in a civil suit against MBK, Mel Stewart, MaryLou Stewart, Kenneth Tuttle, etc.

As you know, our homesite is heavily contaminated with asbestos and has been declared a hazardous waste site. I am writing to you because after reading Dr. Wayne Berman's report I am terrified for my families well being. Dr. Berman's report states that "...for now it would be prudent to limit intimate contact with local soils (especially children playing in such soils)." Frankly, it's too late for us. We moved into our "dream home" here when (b) (6). We didn't landscape (b) (6). Until then, the dirt here was her play area. Once we began excavation and ditch digging for lawn and underground sprinkler installation, she was out there "helping." We have video of her climbing in and walking through the ditches and "assisting" her Daddy with the installation of the sprinkler lines. (b) (6) birthday parties have been held in our back yard. We have video footage of her, along with other children, riding ponies in our yard during her second birthday party. The wind was blowing as it often does on late summer afternoons. These videos that I mention should document for us happy family events. Instead, they are only a reminder of the danger our daughter has been exposed to. All of this because certain people made horrendous "mistakes" and lacked moral judgment.

Our children are now aware that the dirt around our property is "poison." We limit their exposure to the best of our ability. Unfortunately, the damage may already be done. My husband and I may not know in our lifetime if either of our children will become ill with any asbestos related cancers.

Meanwhile, the "Powers That Be" are dragging their feet regarding cleanup. Dr. Bermans study was too long in coming. We all know that it is dangerous for families to be living here.

I implore you to do something, now! Many families in our group are planning to evacuate themselves. Our neighbors, (b) (6), have already abandoned their home. We, however, are not in a financial position to move. We continue to make our full mortgage payment on top of paying the fees related to our lawsuit. Is it possible to hold MBK responsible for financing a safe place for us to live? Are there plans to force an evacuation of our neighborhood?

Living our lives in limbo, not knowing what the future holds regarding our health and financial situation, is beyond difficult. I beg you to make the lives and well being of the people here your top priority. It's about time.

(b) (6)

Subj: **Asbestos health risks**  
Date: 2/24/2005 9:32:06 A.M. Pacific Standard Time  
From: (b) (6)  
To: smith.judy@epa.gov  
CC: walkey.cliff@deq.state.or.us, HAMMOND.Joni@deq.state.or.us, messina.frank@deq.state.or.us, goodman.alan@epamail.epa.gov, heister.dan@epa.gov, larson.karen@epamail.epa.gov, wroble.julie@epa.gov, TLindley@perkinscoie.com, (b) (6), molly\_mccarthy@wyden.senate.gov, (b) (6)

Judy Smith  
Environmental Protection Agency

On July 22, 2004, the United States Environmental Protection Agency began a study of the health risks associated with asbestos in Northridge Estates, our home here in Klamath Falls, Oregon. Mel Stewart, controlling partner of MBK, then hired D. Wayne Berman, Ph.D., of Albany, California, to draft a report giving his analysis of the completed test results.

I've read Dr. Berman's report on the asbestos issue here in Northridge Estates and to be brief, I've come to the conclusion that my wife and I should not be living here – and we've been here for the past five years. In fact, since this was from the beginning a hazardous waste site, no one should have ever purchased property and built their homes here.

He says that cancer causing material from the asbestos is in the air throughout the whole of Northridge Estates, and that must mean that it has been ever since they tore down the first buildings of what used to be the old Marine barracks. He goes on to say that it should be brought to our attention immediately. What does that mean for all the children who have lived up here all their lives?

His conclusions are:

"Given the bounding exposure and risk estimates provided in the last section, for now, it would be prudent to limit intimate contact with local soils (especially children playing in such soils). Although bounding risks estimated for exposure to chrysotile do not suggest the existence of an imminent hazard, the bounding risks estimated for exposure to amphibole asbestos, suggest otherwise. Despite the mitigating factors that have been identified for the bounding risks estimated for amphibole asbestos, prudence dictates that residential activities involving physical proximity to the soil while it is disturbed (such as when children play in dirt or adults garden) should be curtailed until either the magnitude of such risks can be better characterized and shown to be lower than the bounding estimates suggest or site mitigation is completed."

My wife and I are avid gardeners and have, over the past five years, put in a lot of outside work around our home – planting, gardening, mowing, raking, digging, burning debris, tractor work, weed whacking, and whatever else it takes to make three-and-a-half acres into a livable home site.

I understand now that one family (b) (6) has already abandoned their home here and has purchased one in another part of town. Also, the word is out that several other families, who can afford to do so, are contemplating the same thing.

Unfortunately, my wife and I have all our money tied up in this house. We simply cannot afford to move anywhere else while waiting for the responsible party to clean up this area. I am on Social Security and she is now disabled.

Currently, she is seeing three different doctors, is taking five different medications, and all because of the asbestos issue, the lack of any cleanup, or even a plan that gives us some idea of when and how it will be accomplished. She insists that we move. It's getting very difficult trying to convince her that we cannot. And now we learn that MBK estimates that it will be another 15 to 36 months before a Remedial Investigation – Feasibility Study can be concluded. What then? Another 10 to 15 years to clean it up?

Since this area is now considered a hazardous waste site, our home is deemed by the county to be worthless. We can neither sell nor rent it to anyone else. Although our home is valued at over \$255,000 (without asbestos), the banks will not grant us a loan of any amount.

What can the EPA do to help us move to another area until this issue is resolved?

(b) (6)

Northridge Estates

Subj: **Draft Report on Asbestos Risk**  
Date: 2/20/2005 9:28:50 P.M. Pacific Standard Time  
From: (b) (6)  
To: heister.dan@epamail.epa.gov, walkey.cliff@deq.state.or.us, goodman.alan@epamail.epa.gov

Gentlemen:

Having now seen the draft report by Dr. Berman on the health risk at North Ridge Estates due to asbestos exposure, we are compelled to write all of you. As some of you know, this has been an extremely stressful year for our family. Not only have we been facing concerns about what our children, (b) (6) have been exposed to over the 10 years we have lived here, and what their future may bring, but we as a family have faced having (b) (6). In addition, we have been forced (b) (6) rather than being able to sell our present home and move to a home more suitable for someone (b) (6). (b) (6) home despite the fact that it has required them to give up their own space, put much of their personal items in storage and generally change their lifestyle substantially. This is on top of having had to give up their "free range" and ability to play outdoors on their own property. In addition they also have to deal with the worry and concern for their own health now and in the future, concern about their parents emotional and physical health, and continual uncertainty about where they are living and how long they will be here.

Now that Dr. Berman through the EPA has finally released this report showing that on our property there is a hot spot containing the most hazardous of asbestos fibers, and for the neighborhood at large there is a pervasive health risk, our fears are certainly confirmed. We are frustrated, angry and disgusted with the continual delays promulgated by MBK and their consultants in both doing the field investigation and most particularly in delaying presentation of the results to those of us who are living here. Clearly NO ONE, especially children, should have been nor continue to live on this site until it has been remediated with a long term maintenance plan in place. We, in fact, are planning to leave the property before the start of summer and avoid another dry season on this property.

We are particularly incensed at the time frame (15 to 36 months) for development of a mitigation plan set forth in the report. There is no justification for the mitigation not to take place this summer! Under no set of professional ethics nor personal integrity can one justify the time lag. Clearly the disposal methods that took place on the North Ridge Estates property do not meet legal requirements for asbestos waste disposal. Just as clearly, appropriate methodologies already do exist. There is no acceptable rationale for using an inhabited hazardous waste site as a test case in courts for new methodologies, long term study of potential risk, or any other strategy that delays mitigation of this site.

The site has been investigated, ACM-containing areas have been delineated, probable pipe locations have been identified and mapping has been accomplished of this information. Risk has been confirmed. Given this situation, the only ethical and technically acceptable plan of action is immediate response. It is time for EPA to take a decisive position. If further study is what EPA believes is needed then it is also necessary for EPA to remove all families from the area until such time as the study is complete and a full remediation has occurred if in fact it can happen. EPA must finally take a proactive stance for the families and the children living up here! In your charge as protectors of the environment and rights of U.S. citizens we need you to once and for all make a definitive declaration on this property to protect the health and safety of NRE residents.

Sincerely,

(b) (6)

Subj: **Fwd: Draft report on North Ridge Estates asbestos exposure**  
Date: 2/20/2005 2:46:54 P.M. Pacific Standard Time  
From: (b) (6)  
To: smith.judy@epa.gov  
CC: walkey.cliff@deq.state.or.us, HAMMOND.Joni@deq.state.or.us, messina.frank@deq.state.or.us, goodman.alan@epamail.epa.gov, heister.dan@epa.gov, larson.karen@epamail.epa.gov, wroble.julie@epa.gov

Judy – I have now read the report, and understand the "plain English" of it, if not all of the scientific documentation, and hopefully, am able to coherently express my outrage over this matter. What I read are:

"It is generally accepted that inhalation of such asbestos structures can lead to a range of adverse health effects including, primarily: asbestosis, lung cancer and mesothelioma."

"Table 10 includes all analyses of soil and air samples from every sampling campaign conducted at the NRE Site in the last two years. The combined results from these existing data sets can be considered to represent general conditions at the site. Thus a rough approximation of the relative abundance of chrysotile and amphibole structures that are potentially encountered at the site can be obtained....."

"Therefore, the best interpretation of these results is that they represent detection of a low level of amphibole contamination that may be dispersed generally throughout the site"

"The amphibole asbestos-related risk estimates presented are substantially higher than the risks estimated for chrysotile asbestos.....they fall into a range of potential concern. Even the one-year exposure estimates do not comparable favorably to the EPA risk range .....In fact, when adjusted for early exposure, the one-year estimate for child's play exceeds the upper end of the EPA risk range."

"These results suggest that immediate attention may be needed at the NRE site."

"Although bounding risks estimated for exposure to chrysotile do not suggest the existence of an imminent hazard, the bounding risks estimated for exposure to amphibole asbestos, suggest otherwise."

"prudence dictates that residential activities involving physical proximity to the soil while it is disturbed (such as when children play in dirt or adults garden) should be curtailed until either the magnitude of such risks can be better characterized and shown to be lower than the bounding estimates suggest or site mitigation is completed."

"prudence dictates caution"

"Due to the unique concern suggested above for exposure to amphibole asbestos...It is recommended that this information be shared with site residents sooner rather than later."

"Dr. Berman recommends that if this study is conducted within the RIFS process, it should be done on an expedited basis. In the interim, Dr. Berman, recommends that site residents minimize activities such as gardening or children playing in the dirt that result in dust generation close to the face."

"MBK estimates that it will take from 13-36 months to complete the RIFS."

"residents of NRE and their visitors may wish to take actions to limit their actual risks by limiting unwanted exposures to asbestos."

"Given the available data and in particular the results of the simulation study, residents and their visitors should minimize time spent on stationary activities that create dust in immediate proximity to the mouth and nose that therefore, can be inhaled at elevated concentrations."

"The time spent on stationary activities where the mouth and nose may be relatively close to the source of dust, such as adults bending over or getting on their knees while gardening in dry dirt and children playing in dry dirt, should be limited until the levels of risk associated with these and similar activities are fully evaluated."



All of this from the responsible parties' expert whom they have paid over \$350,000 (per MBK's bankruptcy filings) to "risk away" the problems in North Ridge Estates.

I don't think you can imagine how we feel. (b) (6) has spent the past 5 years here — from the time he (b) (6) through now. He spends a great deal of time outdoors; he is an (b) (6) who loves having acres of his own on which to build, dig, play, and ride. Dan Heister said to me one time that (b) (6) spends more time outside and on the property than anyone else in the neighborhood.

We have to face the fact that because of where we bought a house, he may get an incurable, always terminal disease. We are concerned that every day we remain here we are gambling with his future health. And we will have to worry about that for a long time given the long latency period of these diseases. We don't have a "one-year exposure" as Berman states, and his "no imminent hazard" comments about asbestos exposure are nonsensical.

The asbestos was "re-discovered" here over 3 1/2 years ago. We weren't even told until almost a year after that. DEQ supervised a cleanup 1 year; EPQ supervised a cleanup the next year; and EPQ supervised testing the following year. Over 100 tons of the waste material has been removed from the site, and yet it surfaces again and again, and nothing has been done with the steam pipe or burial sites.

Given this report — which because of who paid for it, surely has the "best face" on the risks to us and our families that is possible — don't you think it is time to get the families out of here? Surely, either the U.S. or Oregon governments can find a way to help our families.

Are you aware that (b) (6) has abandoned his house here, and moved (b) (6) into a house in town? He hasn't sold the house here, and fortunately has (b) (6).

This is not a "normal" contaminated site — it is not industrial or commercial. It is residential with lots of young children who spend all day every day in the neighborhood. You cannot expect people to remain here for the next 15-36 months while this RIFS process goes on; not to mention the years it will take to get any kind of meaningful cleanup. You all know how dilatory MBK has been from the start — you cannot expect that this will improve as time goes on.

I would suggest that you schedule a meeting soon — and that you have some positive direction to report other than "keep your kids inside and don't dig in the dirt."

Thank you for hearing me out, (b) (6)

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**Forwarded Message:**

**Subj:** Draft report on North Ridge Estates asbestos exposure

**Date:** 2/17/2005 6:34:30 P.M. Pacific Standard Time

**From:** Smith.Judy@epamail.epa.gov

**To:** (b) (6), amarkum@co.klamath.or.us, (b) (6),  
 (b) (6), brentwalth@news.oregonian.com,  
 (b) (6),  
 (b) (6), daniel.b.stearns@usps.gov, (b) (6),  
 dbell@co.klamath.or.us, ddarling@heraldandnews.com, dringgold@co.klamath.or.us,  
 (b) (6), (b) (6), (b) (6),  
 (b) (6), greg.walden@mail.house.gov, GreggBryden@kennedyjenks.com,  
 (b) (6), j(b) (6), (b) (6),  
 (b) (6),  
 (b) (6), larryburke@DWT.COM, mikeroberts@klamathenergy.com,  
 (b) (6), msutherland@co.klamath.or.us, Midge\_Thierolf@wyden.senate.gov,  
 (b) (6), pcrane@perkinscoie.com, (b) (6), (b) (6),  
 (b) (6),  
 shines@perkinscoie.com, (b) (6),  
 (b) (6), (b) (6),  
 tlindley@perkinscoie.com, (b) (6)

**CC:** amanda.m.guay@state.or.us, eckman.sheila@epamail.epa.gov, field.chris@epamail.epa.gov,

Subj: **FW: Draft report on North Ridge Estates asbestos exposure**  
Date: 2/24/2005 12:15:16 P.M. Pacific Standard Time  
From: [REDACTED]  
To: [REDACTED]

Here it is.

Andy

-----Original Message-----

From: (b) (6)  
Sent: Sunday, February 20, 2005 1:08 PM  
To: Smith.Judy@epamail.epa.gov  
Cc: Tom-POR Lindley; heister.dan@epamail.epa.gov;  
walkey.cliff@deq.state.or.us  
Subject: RE: Draft report on North Ridge Estates asbestos exposure

Judy,

Thanks for your update on this case. As you know there is a lot of information in this case and the health issues are particularly of concern to those of us with children. Although (b) (6)

(b) (6) They have always played outside and (b) (6) and running around the property. I know you do not know what will be the course of action but I feel it is imperative that we are not subject to yet more "soil disturbance". Previously, when digging took place investigating "hot spots" we were not even informed because the material was not on our property. (Apologies to Dan Heister because we know he did his best to keep us informed.) It is ironic that the material was nevertheless closer to our house than to anyone else. I don't have much faith in MBK to inform us of anything that is not absolutely required by law.

It does not seem that it would be in anyone's best interest to complicate the case further by leaving all of us to experience this additional health hazard. Future cleanup efforts will presumably involve excavation and heavy equipment. We are not convinced that a water mist will be sufficient to keep dust from blowing around the entire area. The concerns for our health and most especially the children is growing ever more stressful and it would be nice if the EPA and/or DEQ could provide some relief to us, the true victims. We are not ready to walk away, giving up our home and destroying our credit, but there may come a day when that is the decision we are forced to make. Thanks for allowing us to voice our concerns and we will wait for further correspondence.

Sincerely,

(b) (6)

-----Original Message-----

From: Smith.Judy@epamail.epa.gov [mailto:Smith.Judy@epamail.epa.gov]  
Sent: Thursday, February 17, 2005 6:25 PM  
To: (b) (6); (b) (6);  
(b) (6);  
(b) (6); brentwalsh@news.oregonian.com; (b) (6);  
(b) (6);  
(b) (6); daniel.b.stearns@usps.gov;

Thursday, February 24, 2005 America Online: (b) (6)

(b) (6); dbell@co.klamath.or.us;  
 ddarling@heraldandnews.com; dringgold@co.klamath.or.us;  
 (b) (6); greg.walden@mail.house.gov;  
 GreggBryden@kennedyjenks.com; (b) (6)  
 (b) (6); larryburke@DWT.COM;  
 mikeroberts@klamathenergy.com; (b) (6)  
 msutherland@co.klamath.or.us; Midge\_Thierolf@wyden.senate.gov;  
 (b) (6); pcrane@perkinscoie.com; (b) (6);  
 (b) (6); shines@perkinscoie.com;  
 (b) (6); (b) (6)  
 (b) (6); tlindley@perkinscoie.com; (b) (6)  
 (b) (6)

Cc: amanda.m.guay@state.or.us; eckman.sheila@epamail.epa.gov;  
 field.chris@epamail.epa.gov; foster.cindy@deq.state.or.us; Frank;  
 goodman.alan@epamail.epa.gov; heister.dan@epamail.epa.gov;  
 hodgen.phil@deq.state.or.us; HAMMOND Joni; HICKMAN Jane;  
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 smith.judy@epamail.epa.gov; SCarman@enrd.usdoj.gov;  
 veit.kathleen@epamail.epa.gov; villa.clifford@epamail.epa.gov;  
 walkey.cliff@deq.state.or.us; wroble.julie@epamail.epa.gov;  
 DADOLY.John@deq.state.or.us  
 Subject: Draft report on North Ridge Estates asbestos exposure

(See attached file: REVISED DRAFT SIMULATION REPORT MOD 2-9-05.doc)

EPA recently received a draft report from Dr. Wayne Berman titled "Draft Preliminary Evaluation of the Implications of Airborne Asbestos Exposure Concentrations Observed During Simulation of a Selected Set of Common, Outdoor, Residential Activities Conducted at the North Ridge Estates Site." EPA and DEQ are just beginning their review of this report, but we wanted to share the information with you right away.

This draft report presents an evaluation of the activity-based sampling data collected by EPA at North Ridge Estates during July 2004. The draft report concludes that there may be some risk that is not acceptable because of the presence of amphibole asbestos in the soil. The draft report then recommends that residents refrain from activities that result in soil disturbance, (such as gardening, and children digging in the dirt), until more information can be gathered.

We will schedule a meeting in the near future to discuss this information and talk about your concerns. As always, please call me at 503-326-6994 or reply to this e-mail with your questions and concerns. I am out of the office beginning at noon on Friday until Tuesday morning, so I am in the process of identifying contacts at EPA, DEQ and DHS who might be able to help you with concerns during that time.

.....  
 .....  
 Judy Smith, EPA Community Involvement Coordinator  
 811 SW Sixth Avenue, Portland, OR 97204

Thursday, February 24, 2005 America Online: (b) (6)

DRAFT

**DRAFT**  
**PRELIMINARY EVALUATION OF THE IMPLICATIONS OF**  
**AIRBORNE ASBESTOS EXPOSURE CONCENTRATIONS OBSERVED**  
**DURING SIMULATION OF A SELECTED SET OF COMMON, OUTDOOR**  
**RESIDENTIAL ACTIVITIES CONDUCTED AT THE NORTH RIDGE**  
**ESTATES SITE, KLAMATH FALLS, OREGON**

**D. Wayne Berman, Ph.D.**  
**Aeolus, Inc**  
**751 Taft St.**  
**Albany, CA 94706**

February 18, 2005

Deleted: February 11, 2005

*This Report ENCLOSED AS  
ATTACHMENT TO HOMEOWNER'S  
2-28-05 LETTER.*